

REMARKS

Claims 12, 15 – 18, 23 – 25 and 29 remain in the application. In the outstanding office action, objections were raised to claims 18 and 25 and claim 18 was rejected under section 112. These issues have been addressed by way of the above amendment. Support for the recitation in claim 18 of “downloading software pertaining to the identical service from a third communication component to the second component” is found at paragraph [0048] of the published application.

Claims 12, 16-18 and 23-25 stand rejected under Section 102 based on U.S. No. 6,904,457 (Goodman), and claims 15 and 29 are rejected under Section 103 based on Goodman in view of US2002/0067505 (Salgado). Reconsideration is requested in view of the above amendment and the following noted distinctions between the independent claims and the Goodman reference.

Claim 12 is directed to updating communication services in a communication network. The method includes providing multiple communication components, and some of the components have different hardware and software functionalities for performing different functions. See, for example, paragraphs [0023] – [0025] of the published application. However, some of the components use or provide the same communication service in the network. These features differ from what is disclosed in the Goodman reference wherein all of the nodes 20, 40, 60 and 80 incorporate the same architecture, hardware and firmware as described at col. 2, line 65 – col. 3, line 5; and col. 3, lines 52 - 58.

Further, claim 12 includes providing to a plurality of the components an identical software-controlled communication service that provides a feature to facilitate communication between at least two of the components. The Goodman reference does not provide software-controlled communication services. Although the office action notes (in rejecting claim 17) col. 2, lines 52-65 of Goodman, neither the features of claim 17 nor the provision of communication services between two components are disclosed therein. Specifically, there is no gateway functionality.

Claim 12 (as examined) has also required identifying at least some of the components providing the identical software-controlled communication service in the communication network. Contrary to statements made in the rejection, this feature is absent from the Goodman

reference and is not relevant to the Goodman reference because all of the nodes in the Goodman reference use the same firmware.

The invention of claim 12 addresses a different type of network than that which is disclosed in the Goodman reference and there would not be any motivation to modify the nodal system of Goodman. In fact, the Goodman reference teaches away from forming a network with the components having different hardware and software functionalities for performing different functions. If this were not so, the flow charts of Figs 3 and 4 in the Goodman reference would not perform their intended functions. That is, the flow charts are specific to the architecture shown in Figure 1 of Goodman.

In contrast to the prior art, it is only the applicant who teaches a method in which only some of the components perform an identical communication service. Furthermore, and in disagreement with the arguments presented in the rejection, claim 12 is distinguished because it requires:

initiating a software update for one component when a comparison identifies that the release on said one component is different from the release on a second of the components, wherein software with a more up-to-date release is sent from a third communication component to said one component with an earlier release.

The rejection argues that this feature is found in figure 1 of Goodman, but it is only the applicant who teaches “initiating” the update from a third component when the comparison is made between the said one component and the second of the components.

For all of these reasons it is submitted that claim 12 is distinct and non-obvious over the art of record. Claims 18 and 25 have been amended to further distinguish over the Goodman reference for reasons similar or identical to those noted for claim 12.

As to the rejections under 35 USC 103, argument that the dependent claims further distinguish over the prior art is already of record.

Conclusion

In view of the above amendments and argument, allowance of the application is requested. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 ©, 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: June 17, 2007

By: Janet D. Hood

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830